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CONSPIRACY — CRIMINAL LIABILITY — TRIAL WHERE OVERT ACT PERFORMED. — The defendants conspired to defraud the United States of government lands. All the conspiring occurred on the Pacific Coast, but the overt acts were committed in the District of Columbia. The prisoners were tried and convicted in the District. *Held*, that the District of Columbia court has jurisdiction. *Hyde v. United States*, 32 Sup. Ct. 793.

The Sixth Amendment of the Constitution provides that all crimes shall be prosecuted in the "district wherein the crime shall have been committed." Like the other amendments comprising the "Bill of Rights" this is construed not as announcing novel doctrines but as reaffirming old principles. See *Robertson v. Baldwin*, 165 U. S. 275, 281, 17 Sup. Ct. 326, 329; *Mattox v. United States*, 156 U. S. 237, 243, 15 Sup. Ct. 337, 340. At common law the venue could be laid either in the county of the conspiring or in the county of an overt act in furtherance thereof. *Rex v. Brisac*, 4 East 164. See *People v. Mather*, 4 Wend. (N. Y.) 230, 261. But see *Regina v. Best*, 1 Salk. 174. The principal case does not rest solely upon this common-law rule, for under the federal statute an overt act must be proved. U. S. COMP. STAT. 1901, § 5440. Since by statute an offense begun in one district and completed in another may be prosecuted in either, it would seem logically to follow that there would be jurisdiction where an overt act was performed. *Robinson v. United States*, 172 Fed. 105. But there are *dicta* that even under the statute the overt act forms no part of the crime and merely affords a *locus penitentie*. See *United States v. Britton*, 108 U. S. 199, 204, 2 Sup. Ct. 534; *Hyde v. Shine*, 199 U. S. 62, 76, 25 Sup. Ct. 760, 761. It seems a paradox to hold the overt act essential to complete the crime but yet no part of it. Moreover, since the question in the principal case is the procedural one of venue, and does not necessarily involve the jurisdiction of the sovereign power, the doubt of the minority seems unjustified.

CONSTITUTIONAL LAW — PERSONAL RIGHTS: CIVIL, POLITICAL, AND RELIGIOUS — EMPLOYER'S RIGHT TO REQUIRE EMPLOYEE NOT TO REMAIN IN TRADE UNION. — A statute made it a crime for an employer to require an agreement to have no connection with any labor union as a condition of keeping or securing employment. *Held*, that the statute is constitutional. *State v. Coppage*, 125 Pac. 8 (Kan.). *Contra*, *State ex rel. Smith v. Daniels*, 136 N. W. 584 (Minn.).

The power, subject to police regulation, to make or break contracts of personal service without criminal liability is secured by the Constitution. *Bailey v. Alabama*, 219 U. S. 219, 31 Sup. Ct. 145; *Gillespie v. People*, 188 Ill. 176, 58 N. E. 1007. It has been suggested in an analogous case that use of the power as a means of coercion may destroy the immunity. See 20 HARV. L. REV. 253, 270. But coercion is no more involved in a discharge for not agreeing to be non-union than in a discharge expressly because of union membership. And statutes forbidding discharge on the latter basis are always held unconstitutional. *Adair v. United States*, 208 U. S. 161, 28 Sup. Ct. 277; *State ex rel. Zillmer v. Kreutzberg*, 114 Wis. 530, 90 N. W. 1098. The decision of the Kansas court, therefore, seems wrong. *People v. Marcus*, 185 N. Y. 257, 77 N. E. 1073. Labor unions in this country are recognized as clearly legal. See 25 HARV. L. REV. 465. But they are hardly so favored by the law that the foundation of a contract not to join one could be made criminal as against public policy. In the case of public service companies, however, termination of the contract of employment could perhaps, where there is public necessity, be regulated with, or even without, legislation. See *Arthur v. Oakes*, 63 Fed. 310, 319; *Farmers' Loan & Trust Co. v. Northern Pacific R. Co.*, 60 Fed. 803, 813.

CONTRACTS — REMEDIES FOR BREACH OF CONTRACT — RECOVERY UNDER CONTRACT AFTER BREACH. — The defendant agreed to pay a certain sum in